

TN 803
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AND

BYE-LAWS

OF

✓
**THE BOSTON AND NEW-YORK
COAL COMPANY.**

25.3

CAPITAL ONE MILLION OF DOLLARS.

INCORPORATED BY AN ACT OF THE GENERAL ASSEMBLY OF THE
STATE OF MARYLAND, PASSED DECEMBER SESSION, 1835.

TO WHICH IS APPENDED THE

REPORT OF THE SPECIAL AGENT.

New-York:

PRINTED BY J. BOOTH & SON.

1838.

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OFFICERS AND DIRECTORS

Elected for 1838.

OFFICERS.

O. MAURAN, *President.*

REUBEN WITHERS, *Treasurer, and Register of Transfers.*

JOHN LORIMER GRAHAM, *Counsel and Attorney.*

THOMAS W. STORROW, *Secretary.*

DIRECTORS.

HENRY WYCKOFF, }
WILLIAM G. JONES, } *Of New-York.*
CHARLES DENISON, }

EDMUND MUNROE, }
SAMUEL B. BARRELL, } *Of Boston.*

ROGER C. WEIGHTMAN, *of Washington City.*

EXECUTIVE COMMITTEE.

HENRY WYCKOFF,
WILLIAM G. JONES,
CHARLES DENISON.

PRESIDENT, *ex officio.*

AN ACT

TO INCORPORATE

The Boston and New-York Coal Company.

SEC. 1. *Be it enacted by the general Assembly of Maryland,* Company
That Samuel B. Barrell, Roger C. Weightman, and Edmund Incorporated
Munroe, and all and every person who shall become associated by the name
with them, in the manner hereinafter prescribed, shall be and they of "The Bos-
are hereby incorporated by the name of "The Boston and New- ton and New-
York Coal Company," and as such shall have succession, and York Coal
may have and use a common seal, and be able and capable to sue Company.
and be sued, plead or be impleaded in any court of law or equity, Seal.
and may also have, use, exercise, and enjoy all the powers, privi- May sue and
leges and rights, proper and necessary for carrying on the manu- be sued,
facture of iron and of articles of which iron is a component part, Power to
and for working, opening, transporting to market, and vending the manufacture
produce of their lands, mines and manufactories, and shall have iron.
power to take, purchase, and hold all such property, real, personal Empowered
or mixed, as they may require for the purposes aforesaid, and to hold real
shall have power to make and enter into all manner of contracts, estate.
in relation to the business and property aforesaid: *Provided*, that

May not hold the said company shall at no time hold or possess in this State more than 5,000 acres of more than five thousand acres of land, contiguous and near each other, exclusive of the quantity which may be occupied as the bed of any road or roads which it may be found necessary to construct, and may for the purposes aforesaid have and exercise, except as

Empowered to make bye-laws.

restricted by this act, the right to make bye-laws, rules and regulations, and all the rights and powers usually incident to corporations, and generally all the rights, privileges, and powers necessary to the objects of this act, and to the use, control, and disposition of the property acquired by them, and not repugnant to any law of this State or of the United States.

Capital.

SEC. 2. *And be it enacted,* That the capital stock of said company shall consist of five thousand shares, of one hundred dollars each, of which the lands and mines of the said Samuel B. Barrell, Roger C. Weightman and Edmund Munroe, shall constitute

How paid in.

a part at such price as may be agreed upon between them on the one part, and those who may associate with them and constitute the aforesaid corporation, by subscriptions for stock, payable in money, and the President and Directors of said Company shall

Power to increase Capital.

have power, from time to time, to increase their capital stock to such an amount as may be found convenient and necessary for the objects of this act: *Provided,* the amount of capital stock

Not to exceed \$1 000,000.

shall at no time exceed ten thousand shares or one million of dollars.

How stock to be received.

SEC. 3. *And be it enacted,* That the subscriptions to the capital stock of said company, shall be received under the direction of the said Samuel B. Barrell, Roger C. Weightman and Edmund Munroe, or a majority of them, at such times and places as they

shall designate, giving at least ten days previous notice, in one or more newspapers, printed in the town of Cumberland, and in the cities of Baltimore and Washington, and elsewhere, if they deem it necessary, and each subscriber shall pay at the time of subscription to the commissioners receiving the same, the sum of twenty dollars on each share by him, her, or them subscribed; and every person who shall so subscribe for, or become the owner of one or more shares of said stock shall, in virtue of such ownership, be a member of the said corporation, and shall be entitled at all meetings of the stockholders to one vote, in person or by proxy, for each share of the capital stock which shall be held by such person, and the shares of the said capital stock shall be assignable or transferable, and shall be considered as personal property.

Subscriber
to pay \$20
per share.

Each share
one vote.

Stock trans-
ferable.

SEC. 4. *And be it enacted,* That the affairs of the company shall be managed by a President and six Directors, who shall be chosen annually by the stockholders, to serve for one year, and until others shall be elected, as shall be provided by the stockholders in the bye-laws of the said corporation; and until the first election of directors shall be held in pursuance of the said bye-laws, the said Samuel B. Barrel, Roger C. Weightman and Edmund Munroe, or a majority of them, shall have full power and authority to exercise all the corporate powers of the said company, and the said President and Directors and their successors, or a majority of them, shall have full power and authority to appoint, employ and compensate, and at their pleasure to remove such officers, agents or servants, as they may deem necessary in the business of the company; also, to purchase and hold such real or personal property, materials, vessels, carriages, machinery, implements, privileges, easements and franchises, and to cause all such machinery,

President
and six direc-
tors chosen
annually.

Their duties.

buildings, or other improvements to be made, as they shall deem necessary to carry into effect the objects of the said company, and the same, or any part thereof, to sell, lease, or otherwise dispose of, at their discretion; also, to prescribe the mode of issuing and transferring stock in said company, and the evidence thereof, and generally to do whatever they may judge expedient for the interest of said company, the same being in conformity with the objects of this act, and not contrary to the laws of this state or of the United States, nor to any bye-law adopted at a general meeting of the stockholders of the said company: and a quorum for the transaction of business, shall consist of the President and a majority of the Directors, and in case of any vacancy occurring in the Presidency or Directory of the company, the remaining Directors shall have power to fill the vacancy by appointing some stockholder to serve therein until the next general election thereafter.

Quorum.

General
meeting.

SEC. 5. *And be it enacted,* That a general meeting of the stockholders shall be held, on or before the first Monday of next November, and annually thereafter, at such time and place as shall be established by the bye-laws, to which it shall be the duty of the President and Directors aforesaid, to make report of the whole condition of the business and affairs of the said company; and special meetings of the stockholders may be called at any time by the President and Directors of said company, or by stockholders thereof, who shall together be proprietors of not less than one-fifth part of the whole stock of said company, first giving ten days public notice in one or more newspapers published in the town of Cumberland, and in the cities of Baltimore and Washington, of the object or objects of such meeting; and in any and every meeting of the stockholders, a quorum for the transaction

Special
meeting.

of any business, other than the election of President and Directors, shall consist of the owners and representatives of at least the major part of the capital stock of said company, and every such meeting shall have power to pass, amend, alter, and repeal bye-laws or resolutions, which shall be binding on the President and Directors, officers, agents, and servants of the Company, the same not being contrary to law, and shall also have power to require settlements, statements, and accounts relating to the business and dealings of said company, general or particular; and may also dismiss any President, Director, officer, agent, or servant at pleasure, and appoint others in their stead.

SEC. 6. *And be it enacted*, That for the purpose of enabling the said company to transport the produce of the mines, and the country through which their rail road shall pass, in the cheapest and most expeditious manner, the said company and the President and Directors thereof, shall be and are hereby respectively invested with all and singular, the rights, powers, privileges, authorities, immunities and advantages for the surveying, locating, establishing and constructing a rail road and its necessary appurtenances, beginning the same at the mines of the said company, and running to a convenient point or points on the Basin or Canal of the Chesapeake and Ohio Canal Company, at or near the town of Cumberland in this State, and for the using, preserving, and controlling in perpetuity the said rail road, its necessary vehicles and appurtenances and every part thereof, or borrowing money on the credit of the company for its lawful purposes, which by the act incorporating the Baltimore and Ohio rail road company and its several supplements were for the lawful purposes of said company and the benefit of its corporators given, granted, authorized, and secured

What may be
done at meet-
ing.

Empowered
to construct
rail road.

to the said company, and its President and Directors respectively as fully and perfectly as if the same were herein severally repeated

May not use
certain lands.

Provided, That it shall not be lawful for the said Boston and New-York Coal Company to occupy or use any portion of the lands in the gorge of the mountains from the mouth of Braddock's Run, towards Cumberland, that may be necessary for the accommodation of the canal and works of the Chesapeake and Ohio canal company, or for the main route of the Baltimore and Ohio rail road, or that may be within the limits of either of the public roads there now existing, except to cross these roads without injury to the same, and provided also, that full right and privilege is hereby

Citizens may
connect with
Company's
rail road un-
der restric-
tions.

reserved to the citizens of this State or any company now or hereafter to be incorporated under the authority of this State, to connect with the rail road hereby provided for, or any other rail road, if in the opinions and judgment of the commissioners of Allegany county for the time being, passed upon full hearing of all parties interested, no injury would be done by such connexion to the rail road of said company, and that the said company shall transport on the said rail road, upon any rail-way connected or which may be connected therewith, at the rate of one cent a ton per mile on all goods, merchandise, or property of any description whatsoever, transported on said rail road or any lateral way which they may construct, and also not exceeding two cents per mile for each passenger transported on said road, provided always, that when any car shall be placed on said rail road, it be adapted in size and all necessary particulars to said rail road, and provided further, that

Company
to transport
merchandise,
&c. and rate.

Legislature
may control
certain part
of said rail
road.

the Legislature of this State may, at any time hereafter, regulate, modify, or change the control, use, and estate of so much of said rail road as shall be constructed under the authority hereby given, and be situate from Braddock's Run through the gorge of the

X The Legislature of Maryland, as will be seen by the act below, has placed the Boston and New York Coal Company, upon the same footing as relates to transportation and passengers, as the Baltimore and Ohio Rail Road Company now stand, or may be hereafter placed.

No 327. A supplement to the Act to Incorporate the Boston and New-York Coal Company, passed December Session, 1835.

Be it enacted, by the General Assembly of Maryland, that it shall be lawful for the Boston and New-York Coal Company, upon the Rail Road which they are authorized to construct from their Mines to the Basin of the Chesapeake and Ohio Canal, or other points in or near the Town of Cumberland, to ask, demand, and have the same rates or prices for tolls and transportation of persons and property thereon transported, as the Baltimore and Ohio Rail Road Company is or shall be by law allowed to charge and receive.

Approved March 30, 1838.

The Baltimore and Ohio Rail Road Company, are authorized to charge the following tolls, &c.

See act to incorporate said Company, 'passed by the Legislature of Maryland, Feb. 28th, 1827, Chapter 123, Section 18, page 10, printed in pamphlet, containing "Laws and Ordinances relating to the Baltimore and Ohio Rail Road Company," viz :

One cent a ton per mile, for tolls. Three cents a ton per mile, for transportation from West to East, (from the mines to Cumberland.)

Three cents a ton per mile, for tolls. Three cents a ton per mile, for transportation from East to West, (from Cumberland to the mines.

See also Sec. 1, Chapter 261, passed March 13, 1837, page 127, "Act relating to charges, upon the Baltimore and Ohio Rail Road," which authorises the Company to charge

Eight cents per ton, of two thousand pounds per mile.

Six cents per mile on passengers, " provided that the maximum of charge per ton per mile, upon said road, upon the articles of flour, grain, corn, oats, tobacco, whiskey, coal, iron, lime, ore, lumber, plaster, stone and wood, fish and salt, shall not exceed the rates allowed by the said act of incorporation, (that is, act of 28th, Feb. 1827, Chapter 123.)

BYE-LAWS

OF THE

BOSTON & NEW-YORK COAL COMPANY.

§ 1. The general meeting of the Stockholders, required by the fifth section of the act of incorporation shall be held in the City of Baltimore, on the first Monday of November in each year, at which time an election for President and Directors of the Company for the ensuing year shall be held. An annual meeting of the Directors shall be held on the last Thursday in October, in each year, at such place as the President shall designate. Four Directors and the President shall constitute a quorum for the transaction of business at any meeting of the Board. Due notice of every meeting of the Board shall be given by the Secretary to each Director through the medium of the post office, directed to his place of residence.

General meeting of stockholders and directors
Quorum.

§ 2. The Officers of the Company to be appointed by the Board of Directors shall consist of a Treasurer, Register of Stock, Counsellor and Attorney, Secretary, and such Agents, Engineers, and other subordinate Officers as the Directors shall appoint. All of

Officers.

said officers to be appointed by ballot, or viva voce, as shall from time to time be determined by the Board of Directors, and they shall hold their offices during the pleasure of the board.

No director
eligible to of-
fices of profit

§ 3. No Director of the Company shall be eligible to any office created by the bye-laws of the Company where compensation is allowed.

No sales &c.
of mines to be
made but by
the unani-
mous vote of
the directors.

§ 4. No contract for sale, alienation, or lease of the mines belonging to the Company shall at any time be made, unless it is upon the unanimous vote of the President and Directors for the time being. When the propriety of such sale or lease is intended to be discussed, a meeting of the Directors shall be convened, due notice of the object of which meeting shall be given to each Director by the Secretary, and if any Director is unable to attend such meeting, his approval of such proposed sale or lease in writing, placed upon the files of the Company, shall authorize the Secretary to record his vote at such meeting as approving of such sale, contract for sale, or lease.

Compensa-
tion of officers
to be fixed by
directors.

§ 5. The compensation, commissions, or allowances to the officers and agents of the Company shall be regulated and determined only by the Board of Directors.

Duties of pre-
sident.

§ 6. The President shall have power to call meetings of the Directors at such time and place as he shall think proper to appoint; and it shall be his duty to call such meetings when requested so to do by any two Directors. He shall preside at all meetings of the board. In his absence a President pro tem. shall be appointed by the Directors. In case of the death, absence of the President, or his inability from any other cause to perform the duties

of the office, the President pro tem. shall perform all his duties until the vacancy is supplied, or he is enabled to resume his station.

§ 7. The Treasurer shall receive and disburse all monies belonging to the Company, and keep regular accounts thereof, and take and preserve vouchers for such disbursements. He shall render quarterly, and as much oftener as shall be required by the Board, statements of receipts and disbursements by him, with the vouchers in support thereof, and shall make and prepare an annual report showing the financial condition of the Company and submit the same at an annual meeting of the Directors on the last Thursday in October, in each year. He shall deposite all monies received by him for the Company to its credit in such Bank as the Board may designate, to be drawn for on his draft payable to the order of the party receiving the same. All monies required to be expended at or about the mines of the Company, or for the transportation of coal or iron, or other necessary expenditures, shall be paid by the Treasurer to the Resident Agent, on his order, and an accountable receipt signed by such Resident Agent, or a simple receipt signed by the person in whose favour such order shall be given, shall be to the Treasurer a sufficient voucher for such payment. In the before mentioned, and in all other cases before payments are made by the Treasurer, the President shall approve in writing of any bill, order, or draft presented to him upon the face of the same. The Treasurer shall execute a bond for the faithful discharge of his trust, in such amount and in such form as shall be approved by the Executive Committee.

Duties of
Treasurer.

§ 8. All purchases and expenses made on account of the Com- No purchases on credit.

pany shall be paid for in cash ; and no Officer, Agent, or Director of the Company, shall be permitted, unless expressly authorized by a vote of the Directors, to make any purchases whatever upon credit.

Resident
Agent, his
duties.

§ 9. There shall be an Agent to reside at or near the mines of the Company, in the State of Maryland, who shall be called the "Resident Agent." He shall have the general charge, superintendence, and management of the coal and iron mines belonging to the Company, and all the real estate and personal property pertaining thereto, and under the direction of the Board of Directors he shall make all necessary purchases, and contract and pay for such work and labour as shall be required for the carrying on the work of the Company and the transportation of its products. He shall account as often as once in three months, and oftener if required for monies disbursed by him, by producing to and leaving with the Treasurer the receipts and vouchers for money paid by him, specifying for what account the same was paid. It shall be the duty of the Resident Agent to keep regular accounts, giving in detail credit for all property received or services rendered, and charging the payments or drafts therefor on the Treasurer, with the respective dates thereof. He shall furnish a copy of his accounts under oath every three months to the Treasurer.

Executive
Committee.

§ 10. An Executive Committee, to consist of the President and three Directors, shall be annually appointed by ballot, by the Board of Directors, at their annual meeting, as provided to be held in the fifth section of these bye-laws. They shall have power in the name of the Board to give directions to the Agents and other Officers of the Company, in all cases wherein the Board of Directors shall not have given positive directions. And it shall be the duty

of such Committee to keep regular minutes of their proceedings, and at every meeting of the Board, such minutes shall be read.

§ 11. An Auditing Committee shall annually examine and settle all accounts of the Treasurer and Agents, and make report thereof to the Board of Directors at their next meeting thereafter. Auditing
Committee

§ 12. There shall be two other Agents, one of whom shall reside in the City of New-York, and one in the City of Boston, who shall respectively have the sale of the iron and coal transported on account of the Company to each of those places. The prices at which the iron and coal shall be sold is to be fixed and regulated from time to time by the Board of Directors, or the Executive Committee, and said Agents are to have no powers except those which are expressly delegated by the bye-laws, or by resolution of the Board of Directors. They shall pay over monthly to the Treasurer all monies which come to their hands, respectively, on account of the Company; and once in every three months they shall severally render to the Treasurer a detailed statement under oath of all monies received by them on account of the Company. Agents for
New-York
and Boston
and their
duties.

§ 13. Each of the three Agents of the Company shall execute a bond, in the penal sum of ten thousand dollars, with two sureties, to be approved by the Board of Directors, for the faithful discharge of his duties. Agents to
give bonds
with sureties

§ 14. It shall be the duty of the Secretary to keep regular minutes of all proceedings of the Directors, at every meeting of the Directors, and to record the same in a book to be provided for that purpose. He shall also give the notice (required by the act Secretary
and his duty

of incorporation) of every annual election of President and Directors, and all notices for meetings of the Board.

Capital stock
transferable.

§ 15. The capital stock of the Company shall be transferable on the books of the Company, to be kept by the Register in the city of New-York.

Register of
transfers and
his duties.

§ 16. The Register of Transfers of Stock shall annually, at least ten days before every annual election of Directors, and oftener if required by the President, and again eight days before the time appointed for the payment of any dividend, make out and transmit to the Secretary of the Company a transcript from his stock ledger, setting forth in alphabetical order the names of the holders of stock registered in his office, with the number of shares belonging to each.

Transfers of
Stock.

§ 17. No transfers of the Stock shall be recognized as valid unless made on the books of the Company by the stockholder, in person, or by his attorney, duly authorized and appointed. No transfer shall be made except in the transfer book, and then only upon the surrender of the certificate, except in case of its loss, as hereinafter provided. No new certificate shall be issued except upon the surrender of the certificate previously issued therefor, or proof of its loss, as hereinafter provided.

Lost certifi-
cates.

§ 18. If any person shall claim a certificate of the stock of the Company, to be issued in lieu of one lost or destroyed, he shall make an affidavit of the fact and circumstances of the loss or destruction, and shall advertise in one or more public newspapers, to be designated by the President, for the space of three weeks,

an account of the loss or destruction of the certificate, describing the same, calling on all persons to show cause why a new certificate should not issue in lieu of that lost. Such person shall transmit to the Treasurer his said affidavit, and a copy of his advertisement, with evidence of its publication, as herein required, and shall give to the Company a satisfactory bond of indemnity, with one or more sureties, if required, in double the amount of the certificate so lost, against any damage that may arise from issuing a new certificate, whereupon, one month after the notice by advertisement as aforesaid, the President shall issue a new certificate of the same number and tenor of that said to be lost or destroyed, and specifying that it is in lieu thereof.

§ 19. The seal of the Company shall be kept either by the President or Treasurer, and shall not be affixed by them to any instrument, writing, or document whatsoever, without a previous resolution of the Board or Executive Committee, authorizing the same. It shall be engraved on suitable metal, with the device of a coal mine and a rail road car, and the words "Frostburgh," "Maryland," in the centre, and the words Boston and New-York Coal Company, Inc. Dec. Session, 1835, on the contour.

Seal of Company.

§ 20. The Directors shall have power to make calls for payments upon the stock of the Company from time to time, not exceeding the par value of the same, as fixed by the charter; but no call shall be made unless there shall be five affirmative votes in favour thereof. The Directors may require the stockholders, respectively, to make payment of such calls, at such times and in such proportions as such Directors shall see fit, under pain of

Directors authorized to make calls upon Stockholders, and to forfeit their stock if not paid.

the forfeiture of the shares upon which such payments are required, and all previous payments thereon to the said corporation.

Manner of
notifying
calls upon
stockholders

§ 21. The Directors shall give notice of every such call, by notice to be published at least once a week for four weeks successively, in one or more newspapers printed in the town of Cumberland, state of Maryland, and in the cities of Washington, Baltimore, New-York, and Boston, which notice so to be published shall be a sufficient call on each stockholder, to authorize in case of his default to comply therewith, the forfeiture above provided.

Present cer-
tificates of
stock to be
used until
whole capital
is paid in.

§ 22. Until all the instalments upon the stock shall be paid, the certificates of stock issued by the Register of stock in the city of New-York, shall remain in the hands of the several Stockholders, or in case such certificates or the stock represented thereby shall be duly transferred, and new certificates are required, such new certificate shall be issued, with no other variation from those already issued than the altered nature of the case shall require, and after the whole stock shall have been paid in upon the transfer of stock in the manner above mentioned, and upon the surrender of the old certificate, new certificates shall be issued in the following form :—

BOSTON AND NEW-YORK COAL COMPANY.

(Incorporated by the Legislature of Maryland,)

CAPITAL ONE MILLION OF DOLLARS.

It is hereby certified that _____ entitled
to _____ shares of one hundred dollars each, in the
capital stock of the Boston and New-York Coal Company, trans-
ferable only on the books of the said Company, by the said Stock-
holders or _____ attorney, on the surrender of this certificate.

By a Resolution passed at a meeting of the Stockholders, held the 24th December, 1839, the 20th and 21st Sections of the By-Laws were so altered as to read as follows :

§ 20. The Directors shall have power to make calls for payments upon the stock of the Company, from time to time, not exceeding the par value of the same as fixed by the charter; and to require the Stockholders, respectively, to make payment of such calls, at such times, and in such proportions as such Directors shall see fit: but no call shall be made unless there shall be five affirmative votes in favour thereof.

Directors
authorized to
make calls
upon Stock-
holders, and
to forfeit
their stock if
not paid.

§ 21. The Directors shall give notice of every such call, by notice to be published at least once a week, for four weeks successively, in one or more newspapers printed in the cities of Baltimore, New-York, and Boston; and it shall be the duty of the Secretary to give special notice of such call to each Stockholder, through the medium of the Post-Office; and if payment under such call shall not be made within five days of the time specified in the published notice, it shall be the duty of the Secretary to give special notice, forthwith, to each delinquent Stockholder, through the medium of the Post-Office, that if payment is not made within twenty days from the date of said notice, the shares upon which such payment is required, will be forfeited, with all previous payments made thereon; and if at the expiration of the said twenty days the same is not paid, then said shares shall become forfeited to said Corporation for such non-payment, with all previous payments made thereon. *Provided*, however, that if at any time within the period of twenty-five days from the time when said shares shall have been thus forfeited to said Corporation, the assessments on the same, with interest thereon, from the time the same became due, and all expenses that shall have been incurred thereon, shall be paid by such delinquent Stockholder, then the forfeiture on said shares shall be rendered null and void, and the rights of such Stockholder shall be as fully restored as if no such forfeiture had taken place.

Manner of
notifying
calls upon
Stockholders

In witness whereof, the said Company have caused
this certificate to be signed by their Register of
Transfers of stock, at the city of New-York, this
day of in the year of our
Lord one thousand eight hundred and

Register of Transfers.

REPORT

OF

THE SPECIAL AGENT

N. T. Aldridge

SENT TO EXAMINE THE

MINES OF THE COMPANY.

New-York:

PRINTED BY J. BOOTH & SON.

1837.

REPORT, &c.

To the President and Directors of the Boston and New-York Coal Company :—

GENTLEMEN,

Having been appointed a Special Agent of the Boston and New-York Coal Company, to perform certain duties required by sundry resolutions of the Board of Directors, and instructions of the President of the Company, of the 14th of February last, I proceeded on the 16th of the same month to discharge these duties, and beg respectfully to make the following statements and Report.

I first proceeded to the city of Washington, where I had the bill of sale of the personal property conveyed to the Company, properly executed by Samuel B. Barrell Esq. From thence to Cumberland and Frostburgh, in Allegany county, Md. At Cumberland, I had the deed of conveyance from Messrs. Barrell, Weightman and Munroe, of the real estate conveyed by them to the Company, and also, deeds of release from John J. Hoffman and John Burley, recorded in the proper office. All of which are herewith furnished to the Company.

I procured, through Samuel M. Semmes Esq., from the Clerk of the County Court of Allegany county, the proper officer, a certificate showing all the incumbrances on the real estate conveyed to the Company, so far as they appear on the records of his office ; also, a statement from Mr. Semmes, explaining the manner of the payment of the incumbrances. These papers are herewith submitted to the Company.

Mr. John Powell, the gentleman in charge of the property for Messrs. Barrell, Weightman and Munroe, has furnished a schedule of the personal property—the amount of expenditures—the debts due for existing contracts—and the present income of the estate, and the amount due the Company for sales of coal, which are also submitted.

The deed of conveyance of the real estate shows the whole quantity of lands at Frostburgh, and wharf property or depôt at Cumberland, amounting, exclusively of the depôt, to 2,332 acres. A tract of land purchased by Mr. Barrell of Josiah Porter of about 125 acres, adjoining the Company's property, is very valuable, containing all the veins of Coal and Iron ore. This purchase was made with the intention of conveying it to the Company, but as the quantity was already large, it was on that account withheld, I would recommend the purchase of this tract at the original cost.

The lands purchased of John Combs, Andrew Bruce and John Hoy, are now wholly in the possession of the Company—no efforts have been made to rent these farms, nor can they be rented this year, as the season has too far advanced to procure tenants—and as it is uncertain what part may be required for the Company's operations, I would suggest that they remain unoccupied until this matter is settled. The land purchased of John Porter, William Porter and William Ward, remain in their possession for cultivation *only*, until the first day of April, 1838, for all other purposes, they are now in possession of the Company: an arrangement can probably be made with these persons for the cultivation of these lands after their present contracts expire, as tenants of the Company. The tract purchased of William Ridgely, remains in his possession in the same way, until April, 1840. I am not informed when the Company comes into full possession of the lands purchased of John Burley and Thomas Porter.

Mr. Semmes has been requested to procure a warrant of re-survey of these tracts of land, which will embrace them all in one, in the name of 'The Boston and New-York Coal Company,' and a new patent will be derived from the State of Maryland.

I visited the principal Coal and Iron openings on the Company's property. The deep, or *ten feet* vein of Coal, is the one principally worked. This vein covers an extent of about 800 acres, and according to Captain Pickell's estimate, contains 12,445,713 tons—it can be worked with great facility, and the coal taken out mostly in large masses—according to the statement of Mr. Powell, about 14,000 bushels have been taken out of this vein, at the pit on the land purchased of John Porter, and has been transported to the depôt at Cumberland. About 6000

bushels of which, now all in large lumps, will be sent down the Potomac river and Chesapeake and Ohio Canal to Georgetown, and from thence to New-York. The quantity and quality of the Coal fully sustains the representations heretofore made. The position of the Coal is so admirably adapted for mining operations, that probably the whole of the ten feet vein may be taken out at a cost not exceeding *one cent* a bushel. This vein may be worked on the side of Jennings run, or Braddocks run. The best location for the rail road will determine this matter. I would refer you to the analysis of this Coal made by Drs. Jones, Jackson, and Hays, which are in possession of the Company.

The *five feet* vein of Coal is opened deep in the valley of Jennings run, about 350 feet below the ten feet vein. This vein, doubtless, underlays nearly the whole of the Company's purchase, and Captain Pickell estimates the quantity of Coal contained in it, at 16,723,918 tons. The cost of mining will probably be *half a cent* a bushel more than the mining of the ten feet vein, as there is a seam of slate, varying in thickness from *four* to *seven* inches running through it, about the centre. An opening has been made in this vein, but I had not an opportunity of testing the Coal,—from its appearance, I think it has a greater quantity of *Bitumen* in it than the large vein, consequently, is better adapted to some uses.*

* "The coal may be so worked that all the water will be drained off by the entering drifts. The floor and roof of these beds are composed of slates of a compact and firm texture, and the inch and half inch seams of slate, supposing them to exist throughout, do but offer to the miner easy modes of extracting the coal in blocks. There is but a trace of pyrites (sulphur) in the 20 inches of coal below the thick seam of slate, but so small in quantity that it could not prove of disadvantage in any manufacture. Other than this, there is not a particle to be found in the remainder of the coal; and even if it were required to separate this, it becomes the easiest operation imaginable. A description of the external characters of the coal is unnecessary, excepting that of its hardness and toughness, which places it between the hard and tough anthracite, and the softer and friable bituminous coals. When put on the fire, this coal ignites with ease, swells considerably, emitting much flame with little smoke; and after the lapse of two or three hours, when the bitumen is nearly exhausted, remains in a state of intense ignition, evolving all this time a great amount of heat, until

Until the works now in contemplation for transportation are completed, the coal mines cannot be worked to any profit, and I would suggest, that this work be suspended.

the carbon is consumed.—Various testimonies concur in establishing the fact, that where used as fuel, it becomes unnecessary to cleanse the chimnies. From the small quantity of bitumen it contains, it might be supposed that it would not form a good coke, but facts say otherwise: for from its property of swelling when heated, and from the small amount of earthy material contained in it, it forms a very superior coke; add to this, that from its agglutinating, all the fine coal may be employed for this purpose, and we find it possessing advantages above every other coal. It has been supposed that the iron ore might be reduced by coal previous to coking; true, it might; but then the iron would probably lose in quality by such a mode of operating, besides which, coking may be conducted on the estate in so simple and economical a manner, that its omission becomes no object. For all branches of the iron manufacture, for all furnace and forging operations, smithing, &c., this coal is admirably adapted. For all domestic purposes it is decidedly better suited than any coal I have hitherto seen, not throwing off the drying heat of the anthracite, nor incommoding by volumes of smoke.”—*J. C. Booth's Report.*

“Although a day or two later in my communication than the proposed time, I am not yet prepared with an analysis so exact as I intended to make, although I have satisfied myself respecting the superior excellence of the article, and particularly of its adaptation to iron-works. I converted a portion of it into coke, in a close vessel, and obtained a larger per centage than I recollect ever to have seen mentioned; 75 per cent. is the highest which I have seen, yours afforded 81. In this experiment, the coal which I employed, half a pound did not give the slightest trace of sulphur. By careful inspection of the mass however, I have found some minute specks of sulphuret of iron, but so small in quantity as not to exert any injurious influence. The only point in which I have not perfectly satisfied myself, is the exact relative proportions of carbon and of bitumen; the coking process, however, will alone furnish a very near approximation in this particular. In its composition it approaches much nearer to the Cannel coal than to any other, and is, in fact, nearly identical with it, although it differs from it essentially in its aggregation, the Cannel coal being so compact as to be readily turned in the lathe, whilst yours is quite friable and frangible. Although admirably adapted for domestic use, and for manufacturing purposes, the small proportion of bitumen renders it not the best for gas works, so far as mere quantity is concerned; but as we cannot well combine contradictions, this is not to be regretted. The following is the compo-

Several openings have been made in the veins of *Iron ore*. Two on Combs tract are carried in 20 or 30 yards as *main drifts*, of course at a greater expense than will be necessary in working out the *Cham-*

sition of the principal coals in England, taken from Thompson's Chemistry, vol. 2, p. 301, American Edition.

In one hundred parts,

	In one hundred parts,			Spec. Grav.
	Charcoal.	Bitumen.	Earth.	
Cannel Coal,	75.2 . . .	21.7 . . .	3.1 . . .	1.232
Slate Coal,	47.6 . . .	32.5 . . .	19.9 . . .	1.426
Whitehaven,	57.0 . . .	41.3 . . .	1.7 . . .	1.257
Wigan,	61.7 . . .	36.7 . . .	1.6 . . .	1.268
Swansea,	73.5 . . .	23.1 . . .	3.4 . . .	1.357
Leitrim,	71.4 . . .	23.4 . . .	5.2 . . .	1.351
Newcastle,	58.0 . . .	40.0 . . .	2.0 . . .	1.271
The Coal from your } Mine as follows: }	78.0 . . .	19.0 . . .	3.0 . . .	1.321

(*Letter from Dr. Thomas P. Jones to Samuel B. Barrell, Esq.*)

"The Specimen of coal you sent me is entirely free from sulphur. It burns with a clear yellow flame, when heated red hot in a platina crucible, and does not give any smoke, so that it appears improbable that it will foul chimnies. and it is my belief that it will not, if it is burned in a properly constructed grate. I do not know of any coal in this or any other country, superior to this variety. It resembles more nearly the splint coal of Glasgow, Scotland, described in Thomson's Chemistry, as the most valuable of the British coals, but does not give more than half as much ashes as that coal. For domestic use, and for manufactories, I esteem your Cumberland coal of the very highest value, and took occasion in my lecture on coal at Charlestown, last evening, to state my opinion to that effect.

I have no doubt that this coal will command a higher price in the market than any other, and since it gives more coke (nearly twice as much) than the Cannel coal, it is much more valuable for domestic use, where a steady fire is required. As your coal burns with flame, it will be preferred by most persons to the anthracite, which does not possess this property but in a very low degree."—*Letter from Dr. C. T. Jackson to Edmund Munroe, Esq.*

"In the account of the analysis of some specimens of bituminous coals, I could not embody more than such general remarks respecting them, as were suggested by the results, not knowing that the specimens were to be compared in value as fuels, for ordinary use. Nos. 1 and 2 you have informed me are

bers. Mr. Powell estimates the present cost at \$3 50-100 per ton, in working out the chambers, he thinks the cost will not exceed \$2 25-100 per ton. This is termed the *Ball ore*, and according to Dr. Jones'

English coals, and they correspond pretty closely in composition with the Nova Scotia of the best quality. No. 3, which has been determined of superior quality, comes from Frostburgh, Md. Comparing No. 3 with No. 1 or 2, there are essential differences, depending on the *mode* in which the bitumen burns, and the *kind* of bitumen; while the latter evolve smoke and dense *vapour*, the former burns clearly and steadily for a much longer time, and its smoke is not overloaded with particles of soot, to be dispersed in the atmosphere, or soiling all objects in the vicinity of its combustion. It is entirely free from sulphur in any state of combination; its vapours do not therefore distress the lungs, and its ashes being very dense, are not mechanically suspended in the air of the rooms in which it is burnt; qualities which admirably fit it for parlour use, and constitute it the most valuable coal I ever saw for this purpose.

For manufacturing operations requiring the application of heat in generating steam, evaporating and dying, it is superior to any coal known in our market, containing in a given bulk the materials for affording much more heat, it will prove of high value in any business requiring the aid of strong and lasting fires. As a coal for affording coke, it is far more valuable than the best of the English coals. Its coke is very porous, and burns with appearance of charcoal; for reducing iron and other ores it is well adapted on account of its superior purity and entire freedom from sulphur. I know no reason why its coke, properly prepared, should not supersede the use of charcoal for working metals, or domestic purposes generally. To exhibit in a condensed form, some of the results to which my experiment have led, I add the following observations: operations on a large scale have shown that 605 pounds of good raw coal are required to produce the same heating effect as 552 pounds dry coke. The account of my analysis states the quantities of pure carbon in the respective specimens, Nos. 1, 2, and 3, to form cokes about 6 per cent must be added to these weights, then 62 for 100 will express the quantity in No. 1; 82 that of No. 3; consequently, to produce a given effect, 100 pounds of No. 3 would be fully equal to 132 pounds of No. 1, supposing it did not inflame any better, but it does consume effectively nearly all its bitumen, increasing thereby its value over this estimate. In the economical application of such fuel, other considerations are important, such as the transportation, raising, or removing of one quarter less in weight, when storing or consuming it. The rapid consumption of a greater weight in the same time, enhances its value over other coals. I cannot conclude without expressing much satisfaction from learning that this

analysis, yields 41 per cent of iron. The balls are thickly imbedded in very friable slate rock, and are probably co-extensive with the coal veins—the vein or *band* is about *four feet* in thickness—should further mining show no diminution of the quantity, these openings can probably be worked to profit. There is another large opening on the Combs tract in *Scott's* hill, where a drift has been run in 30 or 40 feet, but it was so filled with ice that I could not enter. The ore from this mine is of a different formation from that described above, but of the same character. Mr. Powell says it lies in three *bands* in a space of about 18 inches in thickness—the three bands of iron ore, he says, are about 14 inches thick, with thin veins of slate intervening. This mine is easily worked, and the cost it is supposed will not exceed \$1 50-100 per ton for the ore. Several shafts have been sunk on the Ridgely tract, the indications of ore much the same as that in the opening on *Scotts'* hill, probably the same vein. Various examinations have been made on different parts of the property, and indications of ore appear—several tons have been gathered on the surface of the ground, and small veins near the surface may be advantageously worked. A vein of *Brown Hematite*, of a rich quality, has also been opened on the Bruce tract, it is about 10 inches below the surface, and nearly one foot in thickness—its extent has not been ascertained—from the indications however, upon the surface, it would appear to underlay about 40 acres. This ore yields, according to Dr. Jones analysis, 61 per cent of iron. The ore is *generally* of the *Argillaceous* kind, and forms, *in part*, the substratum and superstratum of nearly all the veins of Coal.

Specimens from the several veins which have been opened, have been analyzed by Dr. Jones of Washington city, and to his tabular statement of the results, I would respectfully refer the Board.*

fine coal is an American production, and feel that its introduction into use as fuel for engines, locomotives, and furnaces generally, will serve to advance those branches of industry depending on such means, while its use for domestic purposes will add much to the cheerfulness, comfort, and salubrity of our dwellings.”—*Letter from Dr. A. A. Hayes to Edmund Munroe, Esq.*

* “I have at length completed the analysis of the iron ores from the mines near Cumberland, and am happy to say that the results are such as must, I

There are extensive quarries of *Limestone* in the lands belonging to the Company, which is valuable as a *flux* in smelting iron ore, and for other purposes. A *kiln* has been erected, in which a sufficient quantity of lime can be burnt for all the buildings the Company may have occasion to erect, and for the neighbourhood.

think, be perfectly satisfactory, as the per centage of metal which they contain, generally, is greater than that usually contained in the ores which are wrought to advantage. Those numbered 11, 13 and 15, are hard ores, and would, I am apprehensive, be difficult to reduce in the old way; but I am convinced that, with a proper flux, they would yield readily to the modern improvement of the hot air blast. The best ore, however, is that numbered 14—Nos. 6 and 8, although inferior to this in their metallic contents, are similar to it in their general character; that is, they are of such a texture as to insure their ready smelting.

Analysis of Iron Ores by Dr. Thomas P. Jones.

<p>No. 1.—Specific Gravity.....2. 4</p> <p>Iron,.....13</p> <p>Silex,.....65</p> <p>Alumine,.....7</p> <p>Water and Oxygen,.....15</p> <p style="text-align: right;">100</p>	<p>No. 5.—Specific Gravity.....2. 55</p> <p>Iron,.....37</p> <p>Silex,.....19</p> <p>Alumine,.....7</p> <p>Water and Oxygen,.....37</p> <p style="text-align: right;">100</p>
<p>No. 2.—Specific Gravity.....2.66</p> <p>Iron,.....32</p> <p>Silex,.....34</p> <p>Alumine,.....6</p> <p>Water and Oxygen,.....28</p> <p style="text-align: right;">100</p>	<p>No. 6.—Specific Gravity.....3</p> <p>Iron,.....42</p> <p>Silex,.....12</p> <p>Alumine,.....6</p> <p>Water and Oxygen,.....40</p> <p style="text-align: right;">100</p>
<p>No. 3.—Specific Gravity.....2. 5</p> <p>Iron,.....16</p> <p>Silex,.....59</p> <p>Alumine,.....7</p> <p>Water and Oxygen,.....18</p> <p style="text-align: right;">100</p>	<p>No. 7.—Specific Gravity.....2. 9</p> <p>Iron,.....41</p> <p>Silex,.....18</p> <p>Alumine,.....9</p> <p>Water and Oxygen,.....32</p> <p style="text-align: right;">100</p>
<p>No. 4.—Specific Gravity.....2. 7</p> <p>Iron,.....38</p> <p>Silex,.....28</p> <p>Alumine,.....5</p> <p>Water and Oxygen,.....29</p> <p style="text-align: right;">100</p>	<p>No. 8.—Specific Gravity.....2. 7</p> <p>Iron,.....43</p> <p>Silex,.....14</p> <p>Alumine,.....8</p> <p>Water and Oxygen,.....35</p> <p style="text-align: right;">100</p>

There is also an abundance of *fire brick clay* of a good quality on the property. It contains a portion of iron ore, which can be washed out, and bricks made very cheap, either for the furnaces of the iron works, or for sale.

A *Coke oven* has been erected on the property, in which a small quantity of coke has been made.

There is a very good *Saw Mill* on the property, erected on Jennings' run, which will be useful in preparing lumber for the rail road cars and other purposes.

The *Farm houses and buildings* are generally out of repair, and in a dilapidated condition—a very substantial *house* and *outbuildings*, and a

Continuation of Analysis of Iron Ores by Dr. Thomas P. Jones.

No. 9.—Specific Gravity.....2. 8	No. 13.—Specific Gravity.....2. 9
Iron30	Iron.....41
Silex,.....27	Silex,.....16
Alumine,.....10	Alumine,.....4
Water, Oxygen and Car- bonic acid.....33	Water, Oxygen and Car- bonic acid.....39
100	100
No. 10.—Specific Gravity,.....3. 3	No. 14.—Specific Gravity,.....3. 4
Iron40	Iron,.....56
Silex,.....24	Silex,.....12
Alumine9	Alumine,.....5
Water and Oxygen,.....27	Water, Oxygen and Car- bonic acid,.....27
100	100
No. 11.—Specific Gravity.....3. 4	No. 15.—Specific Gravity.....3. 6
Iron,.....53. 7	Iron61
Silex,.....6. 3	Silex,.....6
Alumine,.....2.	Alumine,.....2
Water, Oxygen and Carbonic acid.....38.	Water, Oxygen and Car- bonic acid,.....31
100.	100
No. 12.—Specific Gravity,.....2. 5	
Iron,.....33. 5	
Silex.....23. 5	
Alumine,10.	
Water and Oxygen....33.	
100.	

Extract of a Letter from Dr. Thomas P. Jones.

Blacksmith's shop have been recently erected on the property purchased of John Porter.—Also, a *dwelling house*, not yet finished, on the Company's depôt at Cumberland.

The depôt at Cumberland, is well adapted to the uses of the Company. It may be important, however, to purchase two or three small lots in addition. As some of the officers and other members of the Company will probably visit this place soon, the purchase had better be deferred for their decision.

At my request, Captain John Pickel, recently employed by government under the Engineer department, in making the new location and construction of the National road from Cumberland to Frostburgh, has furnished an estimate of the probable cost of the rail road and other necessary works of the Company; Captain Pickell is well qualified to make the estimate, from his intimate knowledge of the topography and character of the country.

“The plans for the future operations of the Company” very naturally suggest themselves. The rail road and other works for the Company's operations ought to be completed simultaneously with the Chesapeake and Ohio Canal. From the best information I can obtain, this work will be finished and ready for navigation, by the Spring of 1840. The distance from Georgetown, D. C. to Cumberland, by the Canal, is 180 miles—112 miles are already complete and in use; $27\frac{1}{2}$ miles are under contract and nearly completed, and the remainder, about 40 miles, is either under contract, or will be as soon as practicable. Should the plan of a slackwater navigation along the Potomac river, from Hancock to Cumberland, a distance of about 40 miles, be adopted, the Company will probably be able to put its works in operation by the Summer of 1839. In either case, the surveys for the rail road should be completed the ensuing fall and winter, and the contracts made and the work commenced in the Spring of 1838.

I have already stated that it is best to suspend working the coal pits. The consumption of coal in the neighbourhood is very limited, and the navigation of the Potomac river, uncertain and expensive. No profit can, therefore, be derived by working the Coal pits, until the Chesapeake and Ohio Canal, or the slackwater navigation is completed to Cumberland.

The probability is, that *Iron* may be manufactured to advantage from the ore on the Company's property. Before any expense is incurred, however in erecting buildings for this purpose, I would suggest the propriety of making further examinations, to ascertain with more certainty, the extent of the ore beds. Should these examinations be satisfactory, after one or two thousand tons of ore are taken out, furnaces may be erected—if otherwise, the ore already excavated can probably be sold for enough to cover the expense of mining. The indications of ore are certainly very encouraging, and if the Company adopt the course above suggested, and the results prove as satisfactory as is anticipated, iron works for the manufacture of *Pig iron*, under the judicious management of a practical iron master, can hardly fail of being very profitable.

I have also stated that the Company has the choice of two routes for its *rail road* from the mines to the depôt at Cumberland. The route through Braddock's run will require a road about $10\frac{1}{2}$ miles long. If the Company's operations are confined wholly to the working of the *ten feet* vein of coal, without regard to the *five feet* vein or the iron works, this route will probably be adopted. Should further examinations make it advisable to work the five feet vein in connexion with the ten feet vein of coal, and to establish iron works, the Jennings's run route should be adopted. The length of the road through this valley will be about 13 miles, with a less inclination or lower level than the other.

The farms ought to be cultivated, as the produce will be very serviceable to the population which will be necessarily drawn to the Company's works. Good tenants for this purpose, no doubt can be obtained during the Summer, for such parts as it may be desirable to rent.

There are but two men engaged in digging iron ore. Should the Company determine to prosecute the experiment I have suggested, *eight* more men ought to be employed. At the request of Mr. Barrell, Douglass Percy, a Scotchman of great experience both in coal and iron mining, now employed as overseer of these operations and in timbering the mines, some time since wrote to his brother, also a miner, in Scotland, to procure men, who says in reply, that he will come out, and can bring eight others with him whom he can recommend. They require to have their expenses paid to this country, but will allow the same

amount to be deducted from their earnings. Being unacquainted with the practicability of obtaining miners, I am incompetent to advise in this matter.

Estimate of the Cost of Rail Road, &c. Furnished by Captain John Pickell.

Cost of Rail Road, double tract through Braddock's run	
to depôt at Cumberland, 10 miles, at \$11,000, . . .	110,000
Fixtures at pits, and depôt at Cumberland,	7,000
Three Locomotive Engines, at \$6,000,	18,000
Fifty Canal Boats, carrying 100 tons each, \$600,	30,000
One hundred Coal Rail Road Cars, \$70,	7,000
Ten per cent. for contingencies,	17,200
	<hr/>
	\$189,200

Captain Pickell's statement of the quantity of Coal.

The lands belonging to the Boston and New-York Coal Company, in the Coal district of Allegany county, Md. contain *four* distinct veins of Coal, of 10, 5, 3½, and 2½ feet in thickness severally. The 10 and 5 feet veins being the most important—the quantity of coal in each is accurately calculated, and the result is as follows:—

The 10 feet vein underlays 800 acres, and contains .	12,445,713 tons
" 5 " " " 2150 " "	16,723,918 "

In the two veins,	29,169,631
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I do not feel called on by my instructions to make an estimate of the probable profits which can be realized; but I may add, that when the navigation by the Canal is completed, and the company's works are in full operation, from 100,000 to 200,000 tons of Coal, can be delivered at Georgetown—and if the reasonable anticipations of the quantity of iron ore are not disappointed, from 2,000 to 3,000 tons of Pig Iron may be made annually.

Respectfully submitted,

N. T. ELDREDGE,

Special Agent.

New-York March 24, 1837.



